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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

12M724

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UNITED STATES OF AMERICA

TO BE FILED UNDER SEAL

- against -

AFFIDAVIT AND COMPLAINT
IN SUPPORT OF AN ARREST
WARRANT

TIMOTHY BUCKLEY,

Defendant.

(18 U.S.C. § 2252(a)(2))

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EASTERN DISTRICT OF NEW YORK, SS.:

LUANNE WALTER, being duly sworn, deposes and says that she is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

On or about and between July 25, 2011 and October 19, 2011, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TIMOTHY BUCKLEY did knowingly receive and distribute any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or .

affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of my information and the grounds for my belief are as follows:¹

1. I have been employed as a Special Agent of HSI since 2002 and am currently assigned to the New York Office, Child Exploitation Group ("CEG"). I have gained expertise in the conduct of such investigations through training in seminars and classes, daily work related to conducting these types of investigations, the execution of numerous search warrants including those relating to child pornography offenses, and through the subsequent prosecution of offenders. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed thousands of photographs depicting children (less than eighteen years of age) being sexually exploited by adults.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the

¹ Because the purpose of this complaint is merely to establish probable cause to arrest, I have not set forth all of the acts and circumstances concerning this investigation of which I am aware.

investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

THE INVESTIGATION

3. On or about July 25, 2011, an HSI Investigator was investigating computers with New York IP addresses that were or had been sharing child pornography on the Internet. The HSI Investigator was looking for the offenders actively sharing child pornography within New York State using a law enforcement database that records publicly broadcast information pertaining to certain file-sharing networks frequently used to send and receive child pornography. A Cablevision Optimum Online account active in Brooklyn, NY was identified as having been connected to the Internet using IP address 173.3.176.195, and had images/videos related to child pornography available for browse and/or sharing.

4. Based on the findings of this investigation, on December 13, 2011, a search warrant for the residence of the defendant TIMOTHY BUCKLEY (the "Subject Premises") was signed, authorizing agents to search and seize evidence or fruits or

instrumentalities of the possession, transportation, receipt, distribution and reproduction of sexually explicit material relating to children, in violation of Title 18 United States Code, Sections 2252 and 2252A.

5. On December 14, 2011, law enforcement agents executed the search warrant at the Subject Premises. The defendant was present at the Subject Premises at the time of the search and stated that he resided there. Inside the Subject Premises, among the computer equipment and related items seized, law enforcement personnel discovered a Dell Tower (the "Dell"). The computer was found in an office across from the stairs of the Subject Premises. The Dell Tower revealed a Limewire / saved folder with subfolders labeled, among other things: "(!!Pthc Lsm Magazine 9Yo Kidzilla Pre-Teen Young Little Girls Harry Potter Jenny - Lsm-004-0691 (1.jpg," "(pthc pedo) Extreme - Tara 8yo girl - kind daddy piss on his daughter.avi" and "児童】チャイルド《マフィア物》(ベネズエラ)★「Venezuela 3yo-4yo girls」(鬼畜幼女姦淫)☆☆☆04m39s.mpg."

6. A preliminary search of the computer revealed videos depicting child pornography. Examples of the videos, which are available for the Court's review, include the following:

a. felisha_rubs_dildo_on_self[1].jpg:

This is a still image which depicts a naked prepubescent female lying on a bed with her vagina exposed. The prepubescent female is holding an inanimate object above her vagina.

b. Kids Teens Women (Porno-Lolitas-Preteens-Reelkiddymov-R@Ygold-Hussyfans-Underage-Girls-Children-Pedofilia -Pthc-Ptsc-Xxx-Sexy) 03.jpg:

This is a picture which depicts a naked prepubescent female with an unknown substance smeared on her vagina while an adult male's erect penis is attempting to penetrate her vagina.

c. child web (Pthc) 10Yo Cindy - Playing With Dad Jho Alicia 8Yo Dj Ph Pthc Pedo(250).mpg:

This is a video compilation that is approximately three minutes and three seconds in length. The video begins with a prepubescent female handling an adult male's erect penis. The prepubescent female then puts an adult male's erect penis in her mouth. The video then changes to a prepubescent female, who is naked from her abdomen to thighs. The adult male's hand then rubs the prepubescent female's buttocks and vagina. The video concludes with a prepubescent female naked from abdomen to thighs with an adult male's erect penis attempting to penetrate her vagina.

d. #(pthc) 9yo Jenny blow.mpg:

This video is approximately sixteen minutes and fifty two seconds in length with clips of the same naked prepubescent female. The video starts with a collared prepubescent female with thigh high black stockings lying on the bed with hands and thighs and calves bound with yellow rope with her chest and her vagina exposed. The prepubescent child is performing oral sex on a male erect penis while being digitally fondled. That scene is followed by the same collared female with ankles separated and tied to a silver pole while blind folded and hands bound and performing oral sex on an erect male penis. During the video

restraints are removed and a male animal (possibly a dog) is introduced and the child performs oral sex on the animal. The video concludes the minor female child performing oral sex on an erect male human penis.

7. Prior to the search warrant, Investigative Software (IS) was used to "direct connect" to IP address 173.3.176.195. Through this successful direct connect Law Enforcement Investigators were able to download image 6 (a) and video 6 (b). Law Enforcement Investigators were also able to browse files which IP address 173.3.176.195 had available for sharing. Video 6(c) was a file offered for browse and/or download and is available for the court's review.

8. The National Center for Missing and Exploited Children ("NCMEC") recognized the image 6(a) and video 6(d)'s "hash values"—that is, unique identifying information; however, NCMEC has no additional information regarding these files. Picture 6(a) and video 6(d) contain individuals who have been identified by law enforcement and are known to be real children. According to the computer file system, the picture file described in paragraph 6(a) above indicates that the file was created on September 6, 2011; the video file described in paragraph 6(b) above indicates that the file was created September 8, 2011; the video file described in paragraph 6(c) above indicates that the file was created on August 17, 2011; and the video file described in paragraph 6(d) above indicates

the file was created on September 8, 2011 and the child is a known victim.

9. On December 14, 2011, during the execution of the search warrant of the Subject Premises, agents with HSI spoke with the defendant TIMOTHY BUCKLEY. TIMOTHY BUCKLEY admitted, in sum and substance, and in relevant part, that he has downloaded child pornography and that he used the Limewire software to do so. TIMOTHY BUCKLEY acknowledged that he knew what child pornography was and that it was illegal. TIMOTHY BUCKLEY was familiar with the search terms "pthc" and "lolita" to search for child pornography.

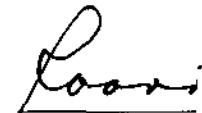
10. TIMOTHY BUCKLEY stated, in sum and substance, that he is the only user of the Dell. TIMOTHY BUCKLEY stated that the desktop is password protected and he is the only one that knows the password. TIMOTHY BUCKLEY stated that he has been interested in child pornography for at least a few years. TIMOTHY BUCKLEY also provided a written statement to agents that, in substance and in part, expressed his regrets for downloading the images.

WHEREFORE, Your Affiant respectfully requests that the Court issue an arrest warrant for the defendant TIMOTHY BUCKLEY so that he may be dealt with according to law.



LUANNE WALTER
Special Agent
Homeland Security Investigations

Sworn to before me this
2nd day of August, 2012



THE HONORABLE
UNITED STATES
EASTERN DISTRICT OF

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